IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.8917 OF 2003

Tushar Vithal Parab : Petitioner

V/s.

University of Mumbai & Anr. : Respondents

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Mr.G.J. Sabnis for the petitioner.

Mr.P.M. Palshikar for respondent no.1.

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**CORAM : S.A. BOBDE, J.**
February 4, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Palshikar waives service of rule on behalf of respondent no.1.

Heard by consent.

2. The petitioner has challenged the judgement dated 21.3.2002 in Appeal No.70 of 2001 passed by the Mumbai University & College Tribunal dismissing his appeal.

3. The petitioner was appointed as a Peon on ad hoc basis by order dated 6.4.2000 "for a period of not exceeding six

months." There is no further order of appointment for extension of his service. The petitioner's challenge that he has been terminated contrary to section 25-F of the Industrial Disputes Act, 1947 and that his termination is illegal since he was appointed on probation has been repelled by the Tribunal.

4. On a perusal of the material, I am of view that the order of the Tribunal does not suffer from any error of law. The petitioner's appointment was on a post reserved for O.B.C. and clearly for a period not exceeding six months. The Tribunal has rightly rejected the petitioner's claim of having been continued under the order of the Assistant Registrar who is said to have orally permitted him to continue beyond six months. In fact, even the muster-roll does not show that the petitioner has worked beyond the period for six months.

5. There is no infirmity in the order of the Tribunal.

6. The learned counsel for the petitioner, however, submitted that the petitioner has worked for some period for which he has not received his salary. If that be so, he may make a representation to that effect to the respondent-University. This order shall not bar the

petitioner from being considered for fresh employment, in accordance with law.

7. With the above observations, this Writ Petition is dismissed. The rule is discharged. No order as to costs.

Sd/-

S.A. BOBDE, J.